

From: Overbay, Michael
To: ["Peter Pope"](#)
Subject: FW: BARNETT SHALE: Landowners' rep says inspectors ignoring dangerous methane readings
Date: Tuesday, November 05, 2013 10:13:00 AM

I tolkd you yesterday I would send this to you. I am working at home today.

Mike

Michael Overbay, P.G.
Regional Groundwater Center Coordinator
US Environmental Protection Agency, Region 6
(214)665-6482

From: Casso, Ruben
Sent: Monday, November 04, 2013 7:24 AM
To: Overbay, Michael
Subject: BARNETT SHALE: Landowners' rep says inspectors ignoring dangerous methane readings

BARNETT SHALE: Landowners' rep says inspectors ignoring dangerous methane readings

Mike Soraghan, E&E reporter

Published: Monday, November 4, 2013

Texas oil and gas inspectors ignored and failed to report dangerous levels of methane at contaminated water wells in August, said a consultant working for homeowners in the area.

Bryce Payne, a Pennsylvania soil scientist, wrote a letter of complaint to the Texas Railroad Commission (RRC) in September stating that inspectors hadn't responded after seeing instruments register potentially explosive levels of methane in the air around the well of a Parker County, Texas, woman named Shelly Perdue.

"The apparently sustained presence of explosive levels of gas in her holding tank was imminently dangerous. I had anticipated a number of parties, including the RRC, would respond to that dangerous situation," Payne wrote in the letter, obtained by *EnergyWire*. But none did, Payne said.

Payne also criticized the inspectors for not including the results of air testing in their report and downplaying what they did report.

Despite its name, the Railroad Commission regulates oil and gas in Texas.

Railroad Commission spokeswoman Gaye McElwain said the agency hasn't responded to Payne. But she said agency inspectors have tested the water at the homes outside Fort Worth since they first visited in August, though they haven't tested the air around the wells or in the homes.

"This testing is focused on confirming the source of the natural gas, which was previously determined to be from the Strawn formation, a shallow natural-gas-producing formation below the aquifer," McElwain said. "Results of this testing are expected to be received in November."

Latest chapter

The well is related to a long-running and politically charged drilling dispute.

The landowner who hired Payne, Steve Lipsky, touched off the furor in 2010 when he complained to the Railroad Commission and U.S. EPA that methane from nearby gas wells had contaminated his drinking water well. Deeming the state's response too slow, EPA stepped in and slapped Range Resources Corp., which drilled the wells, with an enforcement order blaming the company for the contamination.

Range, which no longer owns the wells, vehemently disputed the findings. The company maintains that the methane in the water in the area is naturally occurring and that Barnett Shale gas drilling had nothing to do with it.

Incensed by EPA's intervention, the Railroad Commission quickly scheduled a 2011 hearing that exonerated Range.

EPA dropped the case in March 2012, saying it wanted to move away from litigation toward a "joint effort" to gather information. EPA also said Range would provide "useful information and access" to help EPA with its study of hydraulic fracturing.

But Lipsky and his neighbors have been moving to resurrect the case in recent months, saying the methane contamination in their water and homes has only gotten worse ([EnergyWire](#), Sept. 18). They also say new testing done by Duke University researchers showed much higher levels of methane than what Range and the Railroad Commission had found.

Lipsky hired Payne and filed a new complaint with the Texas oil and gas agency last summer. Three of his neighbors also filed complaints, including Perdue.

In response, Railroad Commission inspectors visited their homes in August and reported what they saw. That included Lipsky lighting on fire the gas coming out of his water well vent pipe.

But their report didn't include that just before that, Payne had used a gas meter to show that the concentration of gas flowing from the vent was 86 to 90 percent.

Two days before that, standing next to Perdue's well, with the water pump off, Payne said the gas concentration in the well head vent was higher than 75 percent.

"This is not documented in the complaint report," he wrote.

Payne said he has stopped working for Lipsky, though he has continued to help Perdue on a pro-bono basis.

Range and the Railroad Commission have said Perdue's well was drilled into a gas-bearing formation. The total depth of her well is 362 feet. Range sealed its wells with concrete to similar depths, 394 and 408 feet.

Range says comments made in a 2010 town hall meeting by the EPA official who brought the charges about his enforcement strategy show he was simply out to get oil companies. Then-Regional Administrator Al Armendariz compared his strategy of making an example of polluters to how Roman soldiers would "crucify" opponents. Those comments, refloated after the case was dismissed, cost Armendariz his job.

Range officials also say Armendariz tipped off activists and news media before the order came out.

[Click here](#) to read *EnergyWire's* previous reporting on the Range case.

